

Remarks

I. Status

Claims 8, 9, 15, 16, 23, 24, and 31 have been amended. Claims 63 and 64 have been added. Claims 1, 3-16, 18-32, and 63-64 will be pending after entry of the amendments.

II. Section 112 Rejections

A. Claims 8, 15, 23, and 31

Claims 8, 15, 23, and 31 stand rejected under 35 U.S.C. § 112, first paragraph for allegedly lacking written description because of their use of the phrase “chemical derivatives thereof.” Office Action at page 2. Applicants respectfully disagree with this rejection.

Applicants point out that no similar rejection was previously lodged. It therefore appears the Office is engaging in “piecemeal examination,” which “should be avoided as much as possible” according to M.P.E.P. § 707.07(g). Applicants respectfully contend that this rejection is also unsupported. The specification, original claims, and the level of ordinary skill in the art support the use of the phrase “chemical derivatives thereof.” The specification and original claims make it clear that Applicants were in possession of the claimed invention, as a whole, at the time the application was filed. M.P.E.P. § 2163. Moreover, a chemical derivative is conventional in the art and known to one of ordinary skill. As the M.P.E.P. makes clear, “The absence of definitions or details for well-established terms or procedures *should not be the basis of a rejection under 35 U.S.C. 112, para. 1, for lack of adequate written description.*” M.P.E.P. § 2163 (emphasis added).

Nevertheless, Applicants have amended these claims to remove the language “chemical derivatives.” This amendment is not meant to be limiting, nor has Applicant acquiesced to the

position of the Office concerning Section 112; the pending claims continue to cover such derivatives. Applicants request that this rejection be withdrawn.

B. Claim 16

Claim 16 stands rejected under 35 U.S.C. § 112, first paragraph for allegedly lacking written description because the Office contends the “application site” language is unclear. Applicants respectfully submit that this rejection appears to be a Section 112, second paragraph rejection. Applicants respectfully submit that claim 16 complied with Section 112—namely, its language was both clear and supported. Nevertheless, claim 16 has been clarified in a non-narrowing manner. Claim 16 replaces the “application site” language with language used elsewhere in the body of the claim. Applicants request that this rejection be withdrawn.

C. Claims 9 and 24

Claims 9 and 24 stand rejected under 35 U.S.C. § 112, second paragraph, for their use of the phrase “such as.” Applicants respectfully disagree with this rejection, noting that there is no per se rule against use of this phrase (M.P.E.P. § 2173.05(d)), but have nevertheless amended these claims to remove the objected-to language. Applicants have added new claims 63 and 64, which depend from claims 9 and 24 respectively, to recite the elements formerly modified by the “such as” phrase. Applicants respectfully request that this rejection be withdrawn.

D. Claims 10-15 and 25-31

Although comments related to claims 10-15 and 25-31 appear in the Section 112 section of the Office Action, those claims do not appear to be formally rejected—rather, the Office suggests that the claims be made dependent on claims 9 and 24. Applicants appreciate the Office’s suggestion but respectfully submit that the present claim dependency is proper under all the rules Applicant is aware of. Claims 10-15 and 25-31 properly depend from claims 1 and 16,

respectively. According to M.P.E.P. § 608.01(n), "It should be kept in mind that a dependent claim may refer back to any preceding independent claim. These are the only restrictions with respect to the sequence of claim and, *in general, applicant's sequence should not be changed.*" (emphasis added). Applicants respectfully request approval of these claims and withdrawal of the present objection.

E. Claims 18-22 and 32

Claims 18-22 and 32 are objected-to as being dependent on rejected base claims. It is believed that all rejections/objections have been overcome as explained above. Accordingly, claims 18-22 and 32 are believed to be allowable.

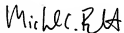
III. Allowed Claims

Applicants appreciate the acknowledgement that claims 1 and 3-7 are allowed.

IV. Conclusion

Applicants believe that this submission fully responds to all outstanding matters for this application and that the present case is in condition for allowance. If the Examiner has any questions, please contact the undersigned attorney.

Respectfully submitted,



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